

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-
FORMING FOAMS
PRODUCTS LIABILITY
LITIGATION

MDL No. 2:18-mn-2873-RMG

This order Relates to:

State of South Carolina v. 3M Company et al.
2:23-5979-RMG

ORDER

By order dated March 7, 2025, the Fourth Circuit Court of Appeals reversed decisions from the District Court of Maryland and from this Court in the above captioned action which had granted motions to remand to State plaintiffs which had brought state-based claims of alleged PFAS contamination that specifically disclaimed AFFF contamination. *Maryland v. 3M Company*, 130 F.4th 380 (4th Cir. 2025). The Fourth Circuit held that “3M’s Military AFFF production is inextricably related to the States’ general allegations of PFAS contamination, notwithstanding their attempts to draw a line between 3M’s federal and non-federal work.” *Id.* at 392. Having determined that “3M meets the nexus element of the federal officer removal statute,” the Fourth Circuit vacated this Court’s order and remanded the case to determine “whether 3M satisfied the other elements of federal officer removal. . .” *Id.* at 393. Plaintiffs’ motion for rehearing and rehearing *en banc* was denied, and the mandate was issued on June 5, 2025. (Dkt. No. 24).

The Court hereby establishes the following briefing schedule on Plaintiff’s motion for remand (Dkt. No. 8):

1. Plaintiff shall submit its brief within 30 days of this Order;
2. Defendants shall file a response within 30 days thereafter;

3. Plaintiff may file a reply within 15 days thereafter.

s/ Richard M. Gergel
Richard Mark Gergel
United States District Judge

July 23, 2025
Charleston, South Carolina